**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

JORGE A. CASTRO,
Reg. #42416-279   PLAINTIFF

v.   NO. 2:13CV00068 JLH/JTR

MARK A. SHELDON, Lieutenant; and
ANTHONY HAYNES, Warden, FCI-FC   DEFENDANTS

OPINION AND ORDER

Jorge A. Castro has filed his *pro* action alleging that Defendants violated his constitutional

rights. On January 30, 2014, defendants filed a motion arguing that they are entitled to summary

judgment because Castro failed to state a viable claim for relief and did not properly exhaust his

administrative remedies. Document #24. On April 7, 2014, the Court gave Castro a final thirty

days to respond to defendants' motion. Document #35. Importantly, the Court advised Castro that

if he failed to timely do so, his case could be dismissed pursuant to Local Rule 5.5(c)(2), which

provides that:

> It is the duty of any party not represented by counsel to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. A party appearing for himself/herself shall sign his/her pleadings and state his/her address, zip code, and telephone number. If any communication from the Court to a *pro se* plaintiff is not responded to within thirty (30) days, the case may be dismissed without prejudice. Any party proceeding *pro se* shall be expected to be familiar with and follow the Federal Rules of Civil Procedure.
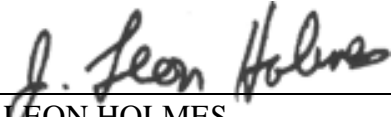
Id.

As of today's date, Castro has not responded to defendants' motion for summary judgment,

and the time for doing so has expired.

IT IS THEREFORE ORDERED THAT:

1.   This case is dismissed without prejudice pursuant to Local Rule 5.5(c)(2).

2.   Defendants' motion for summary judgment (document #24) is denied as moot.

3.   The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis*

appeal would not be taken in good faith.

DATED this 21st day of July, 2014.

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J. LEON HOLMES
UNITED STATES DISTRICT JUDGE